

October 28, 2020

Via ECF and E-mail

Hon. Katherine Polk Failla
U.S. District Court, S.D.N.Y.
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: *In re Tether and Bitfinex Crypto Asset Litigation*, 19-CV-09236 (KPF)

Dear Judge Failla:

Plaintiffs respectfully submit this letter to seek the Court's permission to file one consolidated memorandum of law, not to exceed 85 pages, in response to the four motions to dismiss the Consolidated Amended Complaint in the above captioned litigation. These motions were filed by Defendants iFinex Inc., BFXNA Inc., BFXWW Inc., Tether Holdings Limited, Tether Operations Limited, Tether International Limited, Tether Limited, DigFinex Inc., Ludovicus Jan van der Velde, and Giancarlo Devasini (the "Bitfinex/Tether Defendants"); Defendants Bittrex, Inc., and Poloniex, LLC (the "Exchange Defendants"); Defendant Phillip G. Potter; and Defendant Reginald Fowler, and in total, span 107 pages (40 pages for Bitfinex/Tether Defendants' memorandum of law, 25 pages for the Exchange Defendants, 18 pages for Potter, and 24 pages for Fowler).

When Plaintiffs contacted Defendants to request their consent to this request, Defendants stated that they believed Plaintiffs "should adhere to the Court's order with a 40 page limit." That order, issued by this Court on August 19, Dkt. 141, permitted the Bitfinex/Tether Defendants to file a 40-page memorandum of law in support of their motion to dismiss, and indicated that Plaintiffs could file an opposition of equivalent length. The order made no reference to the motions of the other Defendants, and nothing in the order appears to suggest that Plaintiffs would not be entitled to respond to each of those briefs. Pursuant to the August 19 order, which permits Plaintiffs to file an opposition of 40 pages, and this Court's Individual Rule of Practice 4.B, which permits Plaintiffs to file a 25-page brief in response to each of the other motions filed by the Exchange Defendants, Potter, and Fowler, Plaintiffs would be entitled to file up to a total of 115 pages (40 plus 75) in opposition to Defendants' motions.

Rather than submitting four memoranda that collectively comprise up to 115 pages, Plaintiffs believe that one memorandum of law, not to exceed 85 pages, will allow for a more concise and more coherent response to all four motions to dismiss. This consolidated briefing will save the Court's and the parties' time by minimizing repetition that would come from Plaintiffs' responding to the various common arguments Defendants raise.

Honorable Katherine Polk Failla
October 28, 2020

Respectfully submitted,

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Interim Lead Counsel and Attorneys for Plaintiffs and the Proposed Class

Application GRANTED.

SO ORDERED.

Dated: October 29, 2020
New York, New York

